

File

IN THE JUSTICE COURT  
STATE OF ARIZONA - COUNTY OF APACHE

FILED \_\_\_\_\_

STATE OF ARIZONA

vs.

John Charles McCluskey

Defendant

BY: 10

2010 AUG 25 PM 4:18

No. CR2010-823  
RELEASE ORDER TINNELL  
SUPERIOR COURT CLERK

IT IS HEREBY ORDERED that the defendant be released, provided that he comply with the standard conditions and all other conditions checked below.

STANDARD CONDITION OF RELEASE

If released, the defendant shall appear for

Preliminary hearing

at

11

at

a.m.

p.m.

Kingman JP 1  
8/27/10

, and during the pendency of this case.

- (1) Appear to answer and submit himself to all further orders and processes of the court having jurisdiction of the case;
- (2) Refrain from committing any criminal offense;
- (3) Not depart the state without leave of court; and
- (4) If released during an appeal, prosecute his appeal with due diligence.

OTHER CONDITIONS OF RELEASE

Own Recognizance

☐ The court does not find that imposition of other conditions is reasonably necessary to assure the defendant's appearance as required.

Appearance Bond

☒ The defendant will execute an appearance bond approved by the court and binding himself to pay the State of Arizona the total sum of one million dollars (\$ 1,000,000 )

No Bond

☐ The defendant is held without bond pursuant to Ariz. Const. art. 2 § 22 and ARS § 13-3961

Restrictions on

☐ The defendant will comply with each of the following conditions of release:

Travel, Associ-

ation or Place

of Abode and

other Conditions

WARNING TO THE DEFENDANT:

You have a right to be present at your trial and a number of other proceedings of which you will be notified. If you do not appear at the time set by the court, a warrant will be issued for your arrest and the proceeding will begin without you.

CONSEQUENCES OF VIOLATING THIS ORDER

If the defendant violates any conditions of this release order, the court may order the bond and any security deposited in connection therewith forfeited to the State of Arizona.

In addition, the court may issue a warrant for the defendant's arrest upon learning of his violation of any conditions of his release. After a hearing, if the court finds that the defendant has not complied with the conditions of release, it may modify the conditions or revoke his release altogether.

If he was released on a felony charge, and the court finds the proof evident or the presumption great that he committed a felony during the period of release, it SHALL revoke his release. Such defendant would also be subject to an additional criminal charge, and upon conviction could be punished by imprisonment for not more than five years in the state prison, in addition to the punishment which would otherwise be imposable for the crime committed during the period of release.

Upon finding that the defendant or any other person named in this order has willfully violated its terms, the court may also find him in contempt of court and sentence him to a term of imprisonment, a fine or both.

ACKNOWLEDGMENT BY DEFENDANT

I understand the standard conditions and all other conditions of my release checked above, and the forfeitures and penalties applicable in the event I violate them.

I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change the address indicated below.

Dated:

8/20/2010

Judge

Defendant: X John McCluskey

Address: \_\_\_\_\_

City & State: \_\_\_\_\_

Telephone: \_\_\_\_\_

IN THE JUSTICE COURT  
STATE OF ARIZONA - COUNTY OF APACHE

STATE OF ARIZONA

vs.

Defendant

No. CR2010-822  
RELEASE ORDER

IT IS HEREBY ORDERED that the defendant be released, provided that he comply with the standard conditions and all other conditions checked below.

STANDARD CONDITION OF RELEASE

If released, the defendant shall appear for 8:15 AM at Kingman Jail on 11 a.m. on 11/29/10, and during the pendency of this case. p.m.

- (1) Appear to answer and submit himself to all further orders and processes of the court having jurisdiction of the case;
- (2) Refrain from committing any criminal offense;
- (3) Not depart the state without leave of court; and
- (4) If released during an appeal, prosecute his appeal with due diligence.

OTHER CONDITIONS OF RELEASE

Own Recognizance

☐ The court does not find that imposition of other conditions is reasonably necessary to assure the defendant's appearance as required.

Appearance Bond

☒ The defendant will execute an appearance bond approved by the court and binding himself to pay the State of Arizona the total sum of \$10,000 dollars (\$ / 10,000 )

No Bond

☐ The defendant is held without bond pursuant to Ariz. Const. art. 2 § 22 and ARS § 13-3961

Restrictions on

☐ The defendant will comply with each of the following conditions of release:

Travel, Associ-

ation or Place

of Abode and

other Conditions

WARNING TO THE DEFENDANT:

You have a right to be present at your trial and a number of other proceedings of which you will be notified. If you do not appear at the time set by the court, a warrant will be issued for your arrest and the proceeding will begin without you.

CONSEQUENCES OF VIOLATING THIS ORDER

If the defendant violates any conditions of this release order, the court may order the bond and any security deposited in connection therewith forfeited to the State of Arizona.

In addition, the court may issue a warrant for the defendant's arrest upon learning of his violation of any conditions of his release. After a hearing, if the court finds that the defendant has not complied with the conditions of release, it may modify the conditions or revoke his release altogether.

If he was released on a felony charge, and the court finds the proof evident or the presumption great that he committed a felony during the period of release, it SHALL revoke his release. Such defendant would also be subject to an additional criminal charge, and upon conviction could be punished by imprisonment for not more than five years in the state prison, in addition to the punishment which would otherwise be imposable for the crime committed during the period of release.

Upon finding that the defendant or any other person named in this order has willfully violated its terms, the court may also find him in contempt of court and sentence him to a term of imprisonment, a fine or both.

ACKNOWLEDGMENT BY DEFENDANT

I understand the standard conditions and all other conditions of my release checked above, and the forfeitures and penalties applicable in the event I violate them.

I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change the address indicated below.

Dated: 11/29/2010

Judge

Defendant: [Signature]

Address: \_\_\_\_\_

City & State: \_\_\_\_\_

Telephone: \_\_\_\_\_

Superior

COURT

Apache

County, Arizona

STATE OF ARIZONA Plaintiff

-VS-

John Charles McCluskey  
Defendant (FIRST, MI, LAST)

[CASE/COMPLAINT NO.]

Booking No. ACS 19991RELEASE  
QUESTIONNAIRE  
(To be completed by  
Defendant)Alias(es) Charles McCluskey, Charlie McCluskey

The following information is for the purpose of determining the conditions under which you may be released at this time. You are not required to answer any question if you feel the answer might be harmful to you. The answers you give to the following questions will be used by the court for the purpose of determining the conditions of your release. However, your answers will be checked against the information supplied by the police, and with the references you yourself give on the form. Any discrepancies may result in higher bail or harsher conditions of release. Any information you give may be used against you in this or any other matter.

## General Background

## 1. Background and Residence

Full Name: John Charles McCluskeySex M Race W Date of Birth 2/27/65Place of Birth [city, state, country] Yuma AZPresent Citizenship yes

If you are not a United States of America citizen, how long have you been in this country? \_\_\_\_\_

Present Address AZ Dept of Corrections

How long have you lived at the above address? \_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_ Cell No. ( ) \_\_\_\_\_

Where else have you lived in the past year and for how long?  
\_\_\_\_\_  
\_\_\_\_\_

Where will you go if released today? \_\_\_\_\_

## 2. Family

Are you married/partnered? [ ] Yes ☒ No If so, are you living with your spouse/partner? [ ] Yes [ ] No

Are you living with someone? Relationship: \_\_\_\_\_

How many other persons (including your children) are living with you? \_\_\_\_\_

How much do you contribute to their support? \_\_\_\_\_

Do you have regular contact with any other relatives? [ ] Yes [ ] No

Explain \_\_\_\_\_  
\_\_\_\_\_

## 3. Employment

Are you presently employed? [ ] Yes ☒ No If not, what is your principal means of support?Explain: \_\_\_\_\_  
Employer's Name \_\_\_\_\_

Justice

COURT [Precinct     ]

Apache

County, Arizona

STATE OF ARIZONA Plaintiff  
-VS-

John Charles McCluskey  
Defendant (FIRST, MI, LAST)

[CASE/COMPLAINT NO.]

**FILED**

Booking No. AUG 25 2010

KINGMAN/CERBAT  
JUSTICE COURT

RELEASE  
QUESTIONNAIRE  
(To be completed by  
Law Enforcement)

Alias(es) Charles McCluskey, Charlie McCluskey

(Check and explain where applicable)

GENERAL INFORMATION

Charges: Kidnapping, Escape

Offense Date: 08/19/2010 Offense Time: 1905

Location: Navajo Camp Ground, Az

Arrest Date: 08/19/2010 Arrest Time: 1908

Arrest Location: Navajo Camp Ground, Az

A. PROBABLE CAUSE STATEMENT

1. Summarize and include the facts which establish probable cause for the crime(s) charged. Certain felonies may be non-bondable and require facts which establish proof evident or presumption great for the crime(s) charged. These include (1) felonies involving a capital offense, sexual assault, sexual conduct with a minor who was under fifteen years of age, or molestation of a child who is under fifteen years of age, (2) any class 1, 2, 3, or 4 felony or any violation of § 28-1383 if the person has entered or remained in the United States illegally, and (3) felony offenses committed when the person charged is already admitted to bail on a separate felony charge.

Explain the crime(s) in detail (e.g., arresting officer or other law enforcement officers witnessed offense, physical evidence directly connects defendant to offense, multiple eyewitnesses, defendant admissions, victim statements, nature of injuries, incriminating photographic, audio, visual, or computer evidence, defendant attempted to flee or resist arrest):

On 8/19/2010, at approximately 1629 hours Apache County Sheriff's Office Dispatch was informed by Forest Service officer P282 that he located a vehicle at Navajo Camp Ground, Apache County, AZ with NM license plate: LJP-382. A records check revealed that license plate was stolen and the vehicle was possibly being driven by John McCluskey & Casslyn Welch who were Homicide Escape. At approximately 1905 hours, ACSO Dispatch, DPS, & LPS law enforcement officers contacted McCluskey and Welch while at the camp ground. At approximately 1908 hours, McCluskey and Welch were placed under arrest and transported and booked into the Apache County Jail, St. Johns, AZ.

2. The person entered or remained in the United States illegally. Explain in detail (e.g., admission by the person, statements of co-defendants at the time of arrest, verification of illegal presence or proceeding establishing illegal presence):

No

3. The crime(s) occurred while the person was admitted to bail on any separate felony. Provide information on the separate felony:

No

C. OTHER INFORMATION

1. Defendant is presently on probation, parole or any other form of release involving other charges or convictions. Explain:

No

Defendants Name: John C. McCluskey DOB: 02/27/65 BOOKING NO. \_\_\_\_\_ CASE NO. 10-0801004

2. List any prior:

Arrests: Multiple, Escape from AZ DOC.

Convictions: Multiple, Escape

Failures to Appear (FTA): Unknown

Protective Orders: Unknown

3. There is an indication of:

- ☐ Alcohol Abuse ☐ Physical Illness  
☐ Mental Health Issues ☐ Developmental Disability  
☐ Other Substance Abuse

Explain: N/A

4. Defendant is employed by: N/A  
Address: \_\_\_\_\_

Phone: \_\_\_\_\_

How long: \_\_\_\_\_

5. Defendant resides at: Arizona Department of Corrections, Kingman, AZ.

With Whom: \_\_\_\_\_

How Long: \_\_\_\_\_

Alternate address for court notification: \_\_\_\_\_

N/A

6. Facts to indicate defendant will flee if released:

Previous escape from AZ Department of Corrections, Kingman, AZ.

7. Reasons to oppose an unsecured release:

Previous escape from AZ Department of Corrections, Kingman, AZ. Wanted for 2 counts of Homicide.

D. CIRCUMSTANCES OF THE OFFENSE

1. ☐ Defendant used firearm or other weapon  
Type: \_\_\_\_\_

2. ☐ Defendant injured someone.  
Explain: \_\_\_\_\_

3. ☐ Medical attention was necessary  
Nature of injuries: \_\_\_\_\_

4. ☐ Defendant threatened someone  
Nature of threats: \_\_\_\_\_

5. If property offense

a. Value of property taken/damaged: \_\_\_\_\_

b. ☐ Property was recovered

6. Names of co-defendant(s), if any: \_\_\_\_\_

E. CRIME(S) AGAINST PERSONS

1. Relationship of defendant to victim: \_\_\_\_\_

2. ☐ Victim(s) and defendant reside together.

3. Law enforcement learned of the situation by  
☐ Victim ☐ Third Party ☐ Officer observation

4. ☐ Previous incidents involving these same parties Explain: \_\_\_\_\_

5. Defendant is currently the subject of:

☐ Order of Protection

☐ Injunction against Harassment

☐ Other court order: \_\_\_\_\_

6. ☐ Likelihood of inappropriate contact with victim(s) Explain: \_\_\_\_\_

7. ☐ Victim(s) expressed an opinion on defendant's release. Explain: \_\_\_\_\_

F. DOMESTIC VIOLENCE DEFENDANT ISSUES

- ☐ Access to or use of weapons  
☐ Children/Vulnerable adults present  
☐ Crime occurred in public  
☐ Control/ownership/jealousy issues  
☐ Depression  
☐ Frequency/intensity of Domestic Violence increasing  
☐ Kidnapping  
☐ Potential for multiple violations of court orders  
☐ Prior history of Domestic Violence  
☐ Prior Protective Order  
☐ Recent separations  
☐ Stalking behavior  
☐ Threats of homicide/suicide/bodily harm  
☐ Violence against children, vulnerable adults or animals  
Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

G. CIRCUMSTANCES OF ARREST

Did defendant attempt to:

☐ Avoid arrest ☒ Resist arrest ☐ Self Surrender

Explain: Refused to lie on ground  
when ordered multiple times to do so.  
Was physically placed on ground by  
officers.

2. ☐ Defendant was armed when arrested

Type of weapon: No

3. ☐ Evidence of the offense was found in defendant's possession

Explain: N/A

4. State whether defendant was under the influence of alcohol or drugs at the time of the offense

☐ Yes ☐ No ☐ Unknown

Type of substance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

H. DRUG OFFENSES

1. If the defendant is considered to be a drug dealer, state the supporting facts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. State quantities and types of illegal drugs directly involved with offense \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Methamphetamine was involved:  
☐ Drug field test was positive:  
☐ Defendant admission of drug type: \_\_\_\_\_  
☐ Approximate monetary value of drugs: \_\_\_\_\_

3. State evidence of illegal drug use: \_\_\_\_\_  
\_\_\_\_\_

4. State whether money was seized

☐ Yes ☐ No

Amount: \_\_\_\_\_  
\_\_\_\_\_

If this is a fugitive arrest, complete the affidavit as required by the Uniform Criminal Extradition Act (ARS § 13-3841 et seq.)

I certify that the information presented is true to the best of my knowledge:

08/19/2010  
Date

R. Watkins A.C.S.O.  
Arresting Officer Agency

A-16  
Serial No.

Duty Phone No. [REDACTED]